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MAY 23 2007

PATENT  
Customer No. 22,852  
Attorney Docket No. 04853.0108-00000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Provisional Application of: )  
Yoshihide MATSUO )  
Application No.: 10/767,360 240 ) Group Art Unit: 1656  
Filed: January 30, 2004 ) Examiner: Suzanne M. NOAKES  
For: NOVEL CHEMICAL SUBSTANCE ) Confirmation No.: 6356  
HAVING MORPHOGENETIC AND )  
GROWTH-ACTIVITIES )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

DEPOSIT DECLARATION

I, Yoshihide Matsuo, do hereby declare:

1. I am a citizen of Japan.
2. I am the inventor of U.S. Patent Application No. 10/767,360.
3. On information and belief, the microorganism YM-2-23 disclosed in this application was deposited on August 20, 2001, under the provisions of the Budapest Treaty at the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology, located at Central 6, 1-1-1 Higashi, Tsukuba, Ibaraki, Japan, and assigned Accession No. FERM BP-8417.
4. On information and belief, the International Patent Organism Depository has acquired the status of International Depository Authority within the meaning of the

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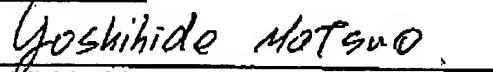
Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of the Patent Procedure.

5. On information and belief, all restrictions on the availability to the public of the deposited cultures will be irrevocably removed no later than the granting of a patent from the above-identified application.

6. On information and belief, I will replace deposited microorganism YM-2-23, should it become non-viable during the period that extends thirty (30) years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements might jeopardize the validity of the application or any patent issued therefrom.

Signed this 12th day of January, 2007.

  
\_\_\_\_\_  
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Japan